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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,734	03/22/2004	Vedad Mahmulyin		2733

27256 7590 08/03/2004

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EXAMINER


HOLZEN, STEPHEN A

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/708,734	Applicant(s) MAHMULYIN, VEDAD 	
	Examiner Stephen A. Holzen	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 6-11, 17-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-16 and 32-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

The inventions are distinct, each from the other because of the following reasons:

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- a. Method / Apparatus of improving aircraft seating efficiency
- b. Method of Marketing aircraft seats

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record

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showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Tom Donohue on 7/15/2004 a provisional election was made without traverse to prosecute the invention of method an apparatus of improving seating efficiency, claims 1-5, 12-16 and 32-39. Affirmation of this election must be made by applicant in replying to this Office action. Claims 6-11 and 17-31 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

3. Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "aircraft columns" is unclear. The phrase does not clearly describe the configuration of seats.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-16 and 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boblitz (3,351,381) in view of Stoll (6,616,242).

Re - Claim 12: Boblitz discloses a first plurality of seats in a row in a first section of an aircraft having a first width, a second row of seats having a standard width placed in a section which is narrowed/tapered. Boblitz does not disclose a reduced dimension seat. Stoll however teaches that reduced dimension seats (200) are well known in the art. It would have been obvious to attach the reduced dimension seat (200) to a seat within the row of seats in the second narrow section of the aircraft to increase the safety of children on the craft.

Re - Claim 13-16: Stoll teaches a reduced dimension seat is a child seat (see Figure 2c), having a four point restraint (Figure 1a), for commercial flight, wherein the seat is indirectly mounted to the floor mounts on the floor of the aircraft in the second region (see Figure 2c).

Re - Claim 32: Boblitz discloses a first plurality of seats in a row in a first section of an aircraft having a first width, a second row of seats having a standard width placed in a section which is narrowed/tapered. Boblitz does not disclose a reduced dimension seat. Stoll however teaches that reduced dimension seats (200) are well known in the art. It would have been obvious to attach the reduced dimension seat (200) to a seat within the row of seats in the second narrow section of the aircraft to increase the safety of children on the craft. (Note: the functional language "to increase a net aircraft passenger capacity" has not been afforded patentable weight)

Re - Claims 33-36: Stoll teaches a reduced dimension seats is a child seat (see Figure 2c), having a four point restraint (Figure 1a), for commercial flight, wherein the seat is indirectly mounted to the floor mounts on the floor of the aircraft in the second region (see Figure 2c).

Re - Claim 37: Boblitz discloses a first plurality of seats in a row in a first section of an aircraft having a first width, a second row of seats having a standard width placed in a section which is narrowed/tapered. Boblitz does not disclose a reduced dimension seat. Stoll however teaches that reduced dimension seats (200) are well known in the art. It would have been obvious to attach the reduced dimension seat (200) to a seat within the row of seats in the second narrow section of the aircraft to increase the safety of children on the craft. (Note: the functional language "to increase a net aircraft passenger capacity" has not been afforded patentable weight)

Re - Claims 38-39: Stoll teaches a reduced dimension seats is a child seat (see Figure 2c), having a four point restraint (Figure 1a), for commercial flight, wherein the seat is indirectly mounted to the floor mounts on the floor of the aircraft in the second region (see Figure 2c).

6. Claims 12-16 and 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (6,575,406) in view of Stoll (6,616,242). Nelson teaches an aircraft having two different widths, a first row with a first number of seats, a second row having a second number of seats wherein the seats in each row having the same standard width (see Prior Art Figure 1E). Nelson does not disclose a reduced

dimensioned seat. Stoll however teaches that reduced dimension seats (200) are well known in the art. It would have been obvious to attach the reduced dimension seat (200) to a seat within the row of seats in the second narrow section of the aircraft to increase the safety of children on the craft.

Re - Claim 13-16: Stoll teaches a reduced dimension seats is a child seat (see Figure 2c), having a four point restraint (Figure 1a), for commercial flight, wherein the seat is indirectly mounted to the floor mounts on the floor of the aircraft in the second region (see Figure 2c).

Re - Claim 32: Nelson discloses a first plurality of seats in a row in a first section of an aircraft having a first width, a second row of seats having a standard width placed in a section which is narrowed/tapered. Nelson does not disclose a reduced dimension seat. Stoll however teaches that reduced dimension seats (200) are well known in the art. It would have been obvious to attach the reduced dimension seat (200) to a seat within the row of seats in the second narrow section of the aircraft to increase the safety of children on the craft. (Note: the functional language "to increase a net aircraft passenger capacity" has not been afforded patentable weight)

Re - Claims 33-36: Stoll teaches a reduced dimension seats is a child seat (see Figure 2c), having a four point restraint (Figure 1a), for commercial flight, wherein the seat is indirectly mounted to the floor mounts on the floor of the aircraft in the second region (see Figure 2c).

Re - Claim 37: Nelson discloses a first plurality of seats in a row in a first section of an aircraft having a first width, a second row of seats having a standard width placed

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in a section which is narrowed/tapered. Nelson does not disclose a reduced dimension seat. Stoll however teaches that reduced dimension seats (200) are well known in the art. It would have been obvious to attach the reduced dimension seat (200) to a seat within the row of seats in the second narrow section of the aircraft to increase the safety of children on the craft. (Note: the functional language "to increase a net aircraft passenger capacity" has not been afforded patentable weight)

Re - Claims 38-39: Stoll teaches a reduced dimension seats is a child seat (see Figure 2c), having a four point restraint (Figure 1a), for commercial flight, wherein the seat is indirectly mounted to the floor mounts on the floor of the aircraft in the second region (see Figure 2c).

7. Claims 1-4, 12-16 and 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (6,575,406) in view of Carothers (2,714,923). Further Claims 1-4, 12-16 and 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boblitz (3,351,381) in view of Carothers (2,714,923). Both Nelson and Boblitz teach an aircraft having two different widths, a first tow with a first number of seats, a second row having a second number of seats wherein the seats in each row having the same standard width (see Prior Art Figure 1E). Neither Nelson nor Boblitz disclose a reduced dimensioned seat. Carothers however teaches that reduced dimension seats (200) are well known in the art. It would have been obvious to attach the reduced dimension seat (200) to a seat within the row of seats in the second narrow section of the aircraft to decrease the tension a youth feels during a flight.

Re - Claim 13-16: Carothers teaches a reduced dimension seats is a child seat (see Figure 2c), having a four point restraint (Figure 1a), for commercial flight, wherein the seat is indirectly mounted to the floor mounts on the floor of the aircraft in the second region (see Figure 2c).

Re - Claim 32: Nelson and Boblitz disclose a first plurality of seats in a row in a first section of an aircraft having a first width, a second row of seats having a standard width placed in a section which is narrowed/tapered. Neither Nelson nor Boblitz disclose a reduced dimension seat. Carothers however teaches that reduced dimension seats (200) are well known in the art. It would have been obvious to attach the reduced dimension seat (200) to a seat within the row of seats in the second narrow section of the aircraft to increase the safety of children on the craft. (Note: the functional language "to increase a net aircraft passenger capacity" has not been afforded patentable weight)

Re - Claims 33-36: Carothers teaches a reduced dimension seats is a child seat (see Figure 2c), having a four point restraint (Figure 1a), for commercial flight, wherein the seat is indirectly mounted to the floor mounts on the floor of the aircraft in the second region (see Figure 2c).

Re - Claim 37: Nelson and Boblitz disclose a first plurality of seats in a row in a first section of an aircraft having a first width, a second row of seats having a standard width placed in a section which is narrowed/tapered. Nelson and Boblitz do not disclose a reduced dimension seat. Carothers however teaches that reduced dimension seats (200) are well known in the art. It would have been obvious to attach

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the reduced dimension seat (200) to a seat within the row of seats in the second narrow section of the aircraft to increase the safety of children on the craft. (Note: the functional language "to increase a net aircraft passenger capacity" has not been afforded patentable weight)

Re - Claims 38-39: Carothers teaches a reduced dimension seats is a child seat (see Figure 2c), having a four point restraint (Figure 1a), for commercial flight, wherein the seat is indirectly mounted to the floor mounts on the floor of the aircraft in the second region (see Figure 2c).

8. Claims 1-4, 12-16 and 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (6,575,406) in view of Murch (757,334). Further Claims 1-4, 12-16 and 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boblitz (3,351,381) in view of Murch (757,334). Both Nelson and Boblitz teach an aircraft having two different widths, a first row with a first number of seats, a second row having a second number of seats wherein the seats in each row having the same standard width (see Prior Art Figure 1E). Neither Nelson nor Boblitz disclose a reduced dimensioned seat. Murch however teaches that reduced dimension seats (200) are well known in the art. It would have been obvious to attach the reduced dimension seat (200) to a seat within the row of seats in the second narrow section of the aircraft to decrease the tension a youth feels during a flight.

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Re - Claim 13-16: Murch teaches a reduced dimension seats is a child seat (see Figure 2c), having a four point restraint (Figure 1a), for commercial flight, wherein the seat is indirectly mounted to the floor mounts on the floor of the aircraft in the second region (see Figure 2c).

Re - Claim 32: Nelson and Boblitz disclose a first plurality of seats in a row in a first section of an aircraft having a first width, a second row of seats having a standard width placed in a section which is narrowed/tapered. Neither Nelson nor Boblitz disclose a reduced dimension seat. Murch however teaches that reduced dimension seats (200) are well known in the art. It would have been obvious to attach the reduced dimension seat (200) to a seat within the row of seats in the second narrow section of the aircraft to increase the safety of children on the craft. (Note: the functional language "to increase a net aircraft passenger capacity" has not been afforded patentable weight)

Re - Claims 33-36: Murch teaches a reduced dimension seats is a child seat (see Figure 2c), having a four point restraint (Figure 1a), for commercial flight, wherein the seat is indirectly mounted to the floor mounts on the floor of the aircraft in the second region (see Figure 2c).

Re - Claim 37: Nelson and Boblitz disclose a first plurality of seats in a row in a first section of an aircraft having a first width, a second row of seats having a standard

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width placed in a section which is narrowed/tapered. Nelson and Boblitz do not disclose a reduced dimension seat. Murch however teaches that reduced dimension seats (200) are well known in the art. It would have been obvious to attach the reduced dimension seat (200) to a seat within the row of seats in the second narrow section of the aircraft to increase the safety of children on the craft. (Note: the functional language "to increase a net aircraft passenger capacity" has not been afforded patentable weight)

Re - Claims 38-39: Murch teaches a reduced dimension seats is a child seat (see Figure 2c), having a four point restraint (Figure 1a), for commercial flight, wherein the seat is indirectly mounted to the floor mounts on the floor of the aircraft in the second region (see Figure 2c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on 703 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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